

1 THOMAS A. RYAN (admitted *pro hac vice*)  
2 GREGORY JONES (admitted *pro hac vice*)  
3 McDERMOTT WILL & EMERY LLP  
4 2049 Century Park East, Suite 3200  
5 Los Angeles, CA 90067-3206  
Telephone: (310) 277-4110  
Facsimile: (310) 277-4730  
tryan@mwe.com  
gjones@mwe.com

6 JOHN H. COTTON (Nevada Bar No. 005268)  
7 KATHERINE L. TURPEN (Nevada Bar No. 008911)  
JOHN H. COTTON & ASSOCIATES, LTD.  
7900 W. Sahara Ave., Suite 200  
8 Las Vegas, Nevada 89117  
Telephone: (702) 832-5909  
9 Facsimile: (702) 832-5910  
jhcotton@jhcottonlaw.com  
kturpen@jhcottonlaw.com

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11 Attorneys for Defendant  
12 DVH HOSPITAL ALLIANCE, LLC

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14 **UNITED STATES DISTRICT COURT**  
15  
**DISTRICT OF NEVADA**

16 UNITED STATES OF AMERICA ex rel.  
17 TALI ARIK, M.D.

18 Plaintiff/Relator,

19 v.

20 DVH HOSPITAL ALLIANCE, LLC, d/b/a  
DESERT VIEW HOSPITAL; VALLEY  
21 HEALTH SYSTEM LLC, d/b/a THE VALLEY  
HEALTH SYSTEM; UNIVERSAL HEALTH  
22 SERVICES, INC.; VISTA HEALTH MIRZA,  
M.D. P.C. d/b/a VISTA HEALTH; and IRFAN  
23 MIRZA, M.D.,

24 Defendants.

25 Case No.: 2:19-CV-01560-JAD-VCF

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27 **DEFENDANT DVH HOSPITAL**  
**ALLIANCE'S MOTION TO EXTEND**  
**TIME TO RESPOND TO SECOND**  
**AMENDED COMPLAINT**

28 (FIRST MOTION)

## MOTION

Pursuant to Local Rule IA 6-1, defendant DVH Hospital Alliance, LLC, doing business as Desert View Hospital (“Desert View”), hereby moves this Court for an order extending the time for Desert View to respond to the second amended complaint filed by relator Tali Arik, M.D. (“Dr. Arik”) by 21 days from November 24, 2020 to December 15, 2020.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

On October 21, 2020, the Court issued an order (the “Order”) dismissing the first amended complaint against Desert View and granting Dr. Arik leave to amend to file a second amended complaint to address the pleading issues related to his single claim under the False Claims Act (the “FCA”). ECF No. 52. Dr. Arik filed his second amended complaint on November 10, 2020. ECF No. 53. Rather than just address the pleading issues identified in the Order, Dr. Arik’s second amended complaint adds four new defendants, two new claims under the FCA, several new fraud theories, and more than 100 new allegations, thereby increasing the complexity of this action in several respects.

Give the addition of the new defendants, Desert View proposed a uniform response date to the second amended complaint for all of the defendants, once they have been served. Dr. Arik rejected this proposal. Desert View then requested a 21-day extension for its own response deadline because lead counsel for Desert View (Gregory Jones) is presently in an arbitration hearing that will last through November 25, 2020, which encompasses Desert View's current response deadline. Dr. Arik rejected this proposal as well, offering a 7-day extension. Given the Thanksgiving holiday, those extra seven days do not give Desert View sufficient time to prepare its response.

For these reasons, good cause exists to grant Desert View a 21-day extension to respond to the second amended complaint until December 15, 2020. Dr. Arik will not suffer any prejudice to this extension because the new defendants' answer to the second amended complaint will not be due before Desert View's requested deadline. Therefore, Desert View respectfully requests that the Court issue an order granting this first requested extension.

1 Dated: November 17, 2020  
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McDERMOTT WILL & EMERY LLP

3 By: /s/ *Gregory R. Jones*  
4 GREGORY R. JONES  
5 Attorneys for Defendant  
6 DVH HOSPITAL ALLIANCE, LLC  
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IT IS SO ORDERED.



9 Cam Ferenbach  
10 United States Magistrate Judge  
11

12 11-20-2020  
13 Dated: \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that on November 17, 2020, I caused the foregoing to be served through the Court's CM/ECF system addressed to:

Jesse M. Sbaih  
Ines Olevic-Saleh  
Jesse Sbaih & Associates, Ltd.  
The District at Green Valley Ranch  
170 South Green Valley Parkway, Suite 280  
Henderson, NV 89012  
(702) 896-2529  
[jsbhaih@sbaihlaw.com](mailto:jsbhaih@sbaihlaw.com)  
*Attorneys for Relator*

Roger W. Wenthe  
Lindsay A. Ager  
Assistant United States Attorneys  
501 Las Vegas Boulevard South, Suite 1100  
Las Vegas, NV 89101  
(702) 388-6336  
[roger.wenthe@usdoj.gov](mailto:roger.wenthe@usdoj.gov)  
[lindsay.ager@usdoj.gov](mailto:lindsay.ager@usdoj.gov)  
*Attorneys for United States*

/s/ *Gregory R. Jones*  
GREGORY R. JONES

MCDERMOTT WILL & EMERY LLP  
ATTORNEYS AT LAW  
LOS ANGELES